

**10-3b-101. Title.**

This chapter is known as "Forms of Municipal Government."

Enacted by Chapter 19, 2008 General Session

**10-3b-102. Definitions.**

As used in this chapter:

- (1) "Council-mayor form of government" means the form of municipal government that:
  - (a) (i) is provided for in Laws of Utah 1977, Chapter 48;
  - (ii) may not be adopted without voter approval; and
  - (iii) consists of two separate, independent, and equal branches of municipal government; and
- (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal Government.
- (2) "Five-member council form of government" means the form of municipal government described in Part 4, Five-Member Council Form of Municipal Government.
- (3) "Six-member council form of government" means the form of municipal government described in Part 3, Six-Member Council Form of Municipal Government.

Enacted by Chapter 19, 2008 General Session

**10-3b-103. Forms of municipal government -- Form of government for towns -- Former council-manager form.**

- (1) A municipality operating on May 4, 2008, under the council-mayor form of government:
  - (a) shall, on and after May 5, 2008:
    - (i) operate under a council-mayor form of government, as defined in Section 10-3b-102; and
    - (ii) be subject to:
      - (A) this part;
      - (B) Part 2, Council-mayor Form of Municipal Government;
      - (C) Part 5, Changing to Another Form of Municipal Government; and
      - (D) except as provided in Subsection (1)(b), other applicable provisions of this title; and
  - (b) is not subject to:
    - (i) Part 3, Six-member Council Form of Municipal Government; or
    - (ii) Part 4, Five-member Council Form of Municipal Government.
- (2) A municipality operating on May 4, 2008 under a form of government known under the law then in effect as the six-member council form:
  - (a) shall, on and after May 5, 2008, and whether or not the council has adopted an ordinance appointing a manager for the municipality:
    - (i) operate under a six-member council form of government, as defined in Section 10-3b-102;
    - (ii) be subject to:
      - (A) this part;

(B) Part 3, Six-member Council Form of Municipal Government;  
(C) Part 5, Changing to Another Form of Municipal Government; and  
(D) except as provided in Subsection (2)(b), other applicable provisions of this title; and

(b) is not subject to:

- (i) Part 2, Council-mayor Form of Municipal Government; or
- (ii) Part 4, Five-member Council Form of Municipal Government.

(3) A municipality operating on May 4, 2008, under a form of government known under the law then in effect as the five-member council form:

(a) shall, on and after May 5, 2008:

(i) operate under a five-member council form of government, as defined in Section 10-3b-102;

(ii) be subject to:

(A) this part;

(B) Part 4, Five-member Council Form of Municipal Government;

(C) Part 5, Changing to Another Form of Municipal Government; and

(D) except as provided in Subsection (3)(b), other applicable provisions of this title; and

(b) is not subject to:

(i) Part 2, Council-mayor Form of Municipal Government; or

(ii) Part 3, Six-member Council Form of Municipal Government.

(4) Subject to Subsection (5), each municipality incorporated on or after May 5, 2008, shall operate under:

(a) the council-mayor form of government, with a five-member council;

(b) the council-mayor form of government, with a seven-member council;

(c) the six-member council form of government; or

(d) the five-member council form of government.

(5) Each town shall operate under a five-member council form of government unless:

(a) before May 5, 2008, the town has changed to another form of municipal government; or

(b) on or after May 5, 2008, the town changes its form of government as provided in Part 5, Changing to Another Form of Municipal Government.

(6) (a) As used in this Subsection (6), "council-manager form of government" means the form of municipal government:

(i) provided for in Laws of Utah 1977, Chapter 48;

(ii) that cannot be adopted without voter approval; and

(iii) that provides for, subject to Subsections (7) and (8), an appointed manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.

(b) A municipality operating on May 4, 2008, under the council-manager form of government:

(i) shall:

(A) continue to operate, on and after May 5, 2008, under the council-manager form of government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and

(B) be subject to:

(I) this Subsection (6) and other applicable provisions of this part;  
(II) Part 5, Changing to Another Form of Municipal Government; and  
(III) except as provided in Subsection (6)(b)(ii), other applicable provisions of this title; and

(ii) is not subject to:

(A) Part 2, Council-mayor Form of Municipal Government;

(B) Part 3, Six-member Council Form of Municipal Government; or

(C) Part 4, Five-member Council Form of Municipal Government.

(7) (a) As used in this Subsection (7), "interim vacancy period" means the period of time that:

(i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and

(ii) ends on the day on which the council member-elect begins the council member's term.

(b) (i) The council may not appoint a manager during an interim vacancy period.

(ii) Notwithstanding Subsection (7)(b)(i):

(A) the council may appoint an interim manager during an interim vacancy period; and

(B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.

(c) Subsection (7)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.

(8) A council that appoints a manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager.

(9) Nothing in this section may be construed to prevent or limit a municipality operating under any form of municipal government from changing to another form of government as provided in Part 5, Changing to Another Form of Municipal Government.

Amended by Chapter 209, 2011 General Session

**10-3b-104. Powers and duties of mayor in six-member council and five-member council forms of government.**

(1) Except as provided in Subsection (2), the mayor in a municipality operating under a six-member council form of government or a five-member council form of government:

(a) is the chief executive officer of the municipality to whom all employees of the municipality report;

(b) shall:

(i) keep the peace and enforce the laws of the municipality;

(ii) ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed;

(iii) if the mayor remits a fine or forfeiture under Subsection (1)(c)(ii), report the remittance to the council at the council's next meeting after the remittance;

(iv) perform all duties prescribed by statute or municipal ordinance or resolution;

- (v) report to the council the condition and needs of the municipality; and
- (vi) report to the council any release granted under Subsection (1)(c)(iv); and
- (c) may:
  - (i) recommend for council consideration any measure that the mayor considers to be in the best interests of the municipality;
  - (ii) remit fines and forfeitures;
  - (iii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality;
  - (iv) release a person imprisoned for a violation of a municipal ordinance;
  - (v) with the council's advice and consent:
    - (A) assign or appoint a member of the council to administer one or more departments of the municipality; and
    - (B) appoint a person to fill:
      - (I) a municipal office; or
      - (II) a vacancy on a commission or committee of the municipality; and
  - (vi) at any reasonable time, examine and inspect the official books, papers, records, or documents of:
    - (A) the municipality; or
    - (B) any officer, employee, or agency of the municipality.
- (2) The powers and duties in Subsection (1) are subject to:
  - (a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of the mayor; and
  - (b) the council's authority to limit or expand the mayor's powers and duties under:
    - (i) Subsection 10-3b-303(2)(a), for a municipality operating under the six-member council form of government; and
    - (ii) Subsection 10-3b-403(2)(a), for a municipality operating under the five-member council form of government.

Enacted by Chapter 19, 2008 General Session

**10-3b-105. Municipal council in six-member council and five-member council forms of government.**

In a municipality operating under a six-member council form of government or a five-member council form of government, the council:

- (1) is the legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions of the municipality; and
- (2) may:
  - (a) adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
  - (b) prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
  - (c) require by ordinance that any or all appointed officers reside in the municipality;
  - (d) create any office that the council considers necessary for the government of the municipality;

- (e) provide for filling a vacancy in an elective or appointive office;
- (f) take any action allowed under Section 10-8-84; and
- (g) perform any function specifically provided for by statute or necessarily implied by law.

Enacted by Chapter 19, 2008 General Session

**10-3b-201. Separate branches of government under a council-mayor form of government.**

The powers of municipal government in a municipality operating under the council-mayor form of government are vested in two separate, independent, and equal branches of municipal government consisting of:

- (1) a council composed of five or seven members; and
- (2) a mayor and, under the mayor's supervision, any executive or administrative departments, divisions, and offices and any executive or administrative officers provided for by statute or municipal ordinance.

Enacted by Chapter 19, 2008 General Session

**10-3b-202. Mayor in council-mayor form of government.**

(1) The mayor in a municipality operating under the council-mayor form of government:

- (a) is the chief executive and administrative officer of the municipality;
- (b) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the municipality;
- (c) shall:
  - (i) keep the peace and enforce the laws of the municipality;
  - (ii) execute the policies adopted by the council;
  - (iii) appoint, with the council's advice and consent, a qualified person for each of the following positions:

(A) subject to Subsection (3), chief administrative officer, if required under the resolution or petition under Subsection 10-3b-503(1)(a) that proposed the change to a council-mayor form of government;

- (B) recorder;
- (C) treasurer;
- (D) engineer; and
- (E) attorney;
- (iv) provide to the council, at intervals provided by ordinance, a written report to the council setting forth:
  - (A) the amount of budget appropriations;
  - (B) total disbursements from the appropriations;
  - (C) the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and
  - (D) the percentage of the appropriations encumbered;
  - (v) report to the council the condition and needs of the municipality;

- (vi) report to the council any release granted under Subsection (1)(d)(xiii);
- (vii) if the mayor remits a fine or forfeiture under Subsection (1)(d)(xi), report the remittance to the council at the council's next meeting after the remittance;
- (viii) perform each other duty:
  - (A) prescribed by statute; or
  - (B) required by a municipal ordinance that is not inconsistent with statute;
- (d) may:
  - (i) subject to budget constraints:
    - (A) appoint:
      - (I) subject to Subsections (3)(b) and (4), a chief administrative officer; and
      - (II) one or more deputies or administrative assistants to the mayor; and
    - (B) (I) create any other administrative office that the mayor considers necessary for good government of the municipality; and
    - (II) appoint a person to the office;
  - (ii) with the council's advice and consent and except as otherwise specifically limited by statute, appoint:
    - (A) each department head of the municipality;
    - (B) each statutory officer of the municipality; and
    - (C) each member of a statutory commission, board, or committee of the municipality;
  - (iii) dismiss any person appointed by the mayor;
  - (iv) as provided in Section 10-3b-204, veto an ordinance, tax levy, or appropriation passed by the council;
  - (v) exercise control of and supervise each executive or administrative department, division, or office of the municipality;
  - (vi) within the general provisions of statute and ordinance, regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the municipality;
  - (vii) attend each council meeting, take part in council meeting discussions, and freely give advice to the council;
  - (viii) appoint a budget officer to serve in place of the mayor to comply with and fulfill in all other respects the requirements of, as the case may be:
    - (A) Chapter 5, Uniform Fiscal Procedures Act for Utah Towns; or
    - (B) Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
  - (ix) execute an agreement on behalf of the municipality, or delegate, by written executive order, the authority to execute an agreement on behalf of the municipality:
    - (A) if the obligation under the agreement is within certified budget appropriations; and
    - (B) subject to Section 10-6-138;
  - (x) at any reasonable time, examine and inspect the official books, papers, records, or documents of:
    - (A) the municipality; or
    - (B) any officer, employee, or agent of the municipality;
  - (xi) remit fines and forfeitures;
  - (xii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality; and

- (xiii) release a person imprisoned for a violation of a municipal ordinance; and
- (e) may not vote on any matter before the council.

(2) (a) The first mayor elected under a newly established mayor-council form of government shall, within six months after taking office, draft and submit to the council a proposed ordinance:

- (i) providing for the division of the municipality's administrative service into departments, divisions, and bureaus; and
  - (ii) defining the functions and duties of each department, division, and bureau.
- (b) Before the council adopts an ordinance on the municipality's administrative service, the mayor may establish temporary rules and regulations to ensure efficiency and effectiveness in the divisions of the municipal government.

(3) (a) As used in this Subsection (3), "interim vacancy period" means the period of time that:

(i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a mayor; and

(ii) ends on the day on which the mayor-elect begins the mayor's term.

(b) Each person appointed as chief administrative officer under Subsection (1)(c)(iii)(A) shall be appointed on the basis of:

(i) the person's ability and prior experience in the field of public administration; and

(ii) any other qualification prescribed by ordinance.

(c) (i) The mayor may not appoint a chief administrative officer during an interim vacancy period.

(ii) Notwithstanding Subsection (3)(c)(i):

(A) the mayor may appoint an interim chief administrative officer during an interim vacancy period; and

(B) the interim chief administrative officer's term shall expire once a new chief administrative officer is appointed by the new mayor after the interim vacancy period has ended.

(d) Subsection (3)(c) does not apply if the mayor who holds office on the day of the municipal general election is re-elected to the mayor's office for the following term.

(4) A mayor who appoints a chief administrative officer in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the chief administrative officer.

Amended by Chapter 209, 2011 General Session

**10-3b-203. Council in a council-mayor form of government.**

(1) The council in a municipality operating under a council-mayor form of government:

(a) shall:

(i) by ordinance, provide for the manner in which:

(A) municipal property is bought, sold, traded, encumbered, or otherwise transferred; and

(B) a subdivision or annexation is approved, disapproved, or otherwise regulated;

- (ii) pass ordinances, appropriate funds, and review municipal administration;
- (iii) perform all duties that the law imposes on the council; and
- (iv) elect one of its members to be the chair of the council;
- (b) may:
  - (i) adopt an ordinance, to be known as the municipal administrative code:
    - (A) dividing the municipality's administrative service into departments, divisions, and bureaus; and
    - (B) defining the functions and duties of each department, division, and bureau;
  - (ii) adopt an ordinance:
    - (A) creating, consolidating, or abolishing departments, divisions, and bureaus; and
    - (B) defining or altering the functions and duties of each department, division, and bureau;
  - (iii) notwithstanding Subsection (1)(c)(iii), make suggestions or recommendations to a subordinate of the mayor;
  - (iv) (A) notwithstanding Subsection (1)(c), appoint a committee of council members or citizens to conduct an investigation into:
    - (I) an officer, department, or agency of the municipality; or
    - (II) any other matter relating to the welfare of the municipality; and
 (B) delegate to an appointed committee powers of inquiry that the council considers necessary;
  - (v) make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business that the council considers necessary; and
  - (vi) take any action allowed under Section 10-8-84; and
- (c) may not:
  - (i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office;
  - (ii) interfere in any way with an executive officer's performance of the officer's duties; or
  - (iii) publicly or privately give orders to a subordinate of the mayor.
- (2) A member of a council in a municipality operating under the council-mayor form of government may not have any other compensated employment with the municipality.

Enacted by Chapter 19, 2008 General Session

**10-3b-204. Presenting council action to mayor -- Veto -- Reconsideration -- When ordinance, tax levy, or appropriation takes effect.**

(1) The council in each municipality operating under a council-mayor form of municipal government shall present to the mayor each ordinance, tax levy, and appropriation passed by the council.

(2) (a) The mayor in a municipality operating under a council-mayor form of municipal government may veto an ordinance or tax levy or all or any part of an appropriation passed by the council.

(b) If a mayor vetoes an ordinance or tax levy or all or any part of an



appropriation, the mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor, with a statement explaining the mayor's objections.

(3) At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation.

(4) An ordinance, tax levy, or appropriation passed by the council takes effect upon recording as provided in Chapter 3, Part 7, Municipal Ordinances, Resolutions, and Procedure, if:

- (a) the mayor signs the ordinance, tax levy, or appropriation;
- (b) the mayor fails to sign the ordinance, tax levy, or appropriation within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor; or
- (c) following a veto, the council reconsiders the ordinance, tax levy, or appropriation and passes it by a vote of at least two-thirds of all council members.

Enacted by Chapter 19, 2008 General Session

**10-3b-205. Rules and regulations by municipal officers.**

A municipal officer in a municipality operating under a council-mayor form of government may prescribe rules and regulations, not inconsistent with statute, municipal ordinance, or the merit plan.

Enacted by Chapter 19, 2008 General Session

**10-3b-301. Municipal government powers vested in a six-member council.**

The powers of municipal government in a municipality operating under the six-member council form of government are vested in a council consisting of six members, one of which is a mayor.

Enacted by Chapter 19, 2008 General Session

**10-3b-302. Mayor in six-member council form of government -- Mayor pro tempore.**

(1) The mayor in a municipality operating under a six-member council form of municipal government:

- (a) is, except as provided in Subsection (1)(b), a nonvoting member of the council;
- (b) votes as a voting member of the council:
  - (i) on each matter for which there is a tie vote of the other council members present at a council meeting; or
  - (ii) when the council is voting on:
    - (A) whether to appoint or dismiss a municipal manager; or
    - (B) an ordinance that enlarges or restricts the mayor's powers, duties, or functions;
- (c) is the chair of the council and presides at all council meetings;
- (d) exercises ceremonial functions for the municipality;
- (e) may not veto an ordinance, tax levy, or appropriation passed by the council;

(f) except as modified by ordinance under Subsection 10-3b-303(2), has the powers and duties described in Section 10-3b-104; and

(g) may, within budget constraints, appoint one or more administrative assistants to the mayor.

(2) (a) If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to:

(i) preside at a council meeting; and

(ii) perform, during the mayor's absence, disability, or refusal to act, the duties and functions of mayor.

(b) The municipal clerk or recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore under Subsection (2)(a).

Enacted by Chapter 19, 2008 General Session

**10-3b-303. Council in six-member council form of government.**

(1) The council in a municipality operating under a six-member council form of government:

(a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that:

(i) has not been given to the mayor under Section 10-3b-104; or

(ii) has been given to the mayor under Section 10-3b-104 but is removed from the mayor under Subsection (1)(b)(i)(A);

(b) may:

(i) subject to Subsections (1)(c) and (2), adopt an ordinance:

(A) removing from the mayor any power, duty, or function of the mayor under Section 10-3b-104; or

(B) reinstating to the mayor any power, duty, or function previously removed under Subsection (1)(b)(i)(A);

(ii) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function that the council has under Subsection (1)(a);

(iii) subject to Subsection 10-3b-302(1)(b)(ii)(A):

(A) appoint, subject to Subsections (3) and (4), a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, subject to Subsection (1)(c); and

(B) dismiss a manager appointed under Subsection (1)(b)(iii)(A); and

(iv) assign any or all council members, including the mayor, to supervise one or more administrative departments of the municipality; and

(c) may not remove from the mayor or delegate to a manager appointed by the council:

(i) any of the mayor's legislative or judicial powers or ceremonial functions;

(ii) the mayor's position as chair of the council; or

(iii) any ex officio position that the mayor holds.

(2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of:

- (a) the mayor and a majority of all other council members; or
- (b) all council members except the mayor.
- (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of time that:
  - (i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and
  - (ii) ends on the day on which the council member-elect begins the council member's term.
- (b) (i) The council may not appoint a manager during an interim vacancy period.
- (ii) Notwithstanding Subsection (3)(b)(i):
  - (A) the council may appoint an interim manager during an interim vacancy period; and
  - (B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.
- (c) Subsection (3)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.
- (4) A council that appoints a manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager.

Amended by Chapter 209, 2011 General Session

**10-3b-401. Municipal government powers vested in a five-member council.**

The powers of municipal government in a municipality operating under the five-member council form of municipal government are vested in a council consisting of five members, one of which is a mayor.

Enacted by Chapter 19, 2008 General Session

**10-3b-402. Mayor in a five-member council form of government.**

- (1) The mayor in a municipality operating under a five-member council form of municipal government:
  - (a) is a regular and voting member of the council;
  - (b) is the chair of the council and presides at all council meetings;
  - (c) exercises ceremonial functions for the municipality;
  - (d) may not veto any ordinance, tax levy, or appropriation passed by the council;and
- (e) except as modified by ordinance under Subsection 10-3b-403(2), has the powers and duties described in Section 10-3b-104.
- (2) (a) If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to:
  - (i) preside at a council meeting; and
  - (ii) perform, during the mayor's absence, disability, or refusal to act, the duties and functions of mayor.
- (b) The municipal clerk or recorder shall enter in the minutes of the council

meeting the election of a council member as mayor pro tempore under Subsection (2)(a).

Enacted by Chapter 19, 2008 General Session

**10-3b-403. Council in a five-member council form of government.**

(1) The council in a municipality operating under a five-member council form of municipal government:

(a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative duty or function that:

(i) has not been given to the mayor under Section 10-3b-104; or

(ii) has been given to the mayor under Section 10-3b-104 but is removed from the mayor under Subsection (1)(b)(i)(A);

(b) may:

(i) subject to Subsections (1)(c) and (2), adopt an ordinance:

(A) removing from the mayor any power, duty, or function of the mayor under Section 10-3b-104; and

(B) reinstating to the mayor any power, duty, or function previously removed under Subsection (1)(b)(i)(A);

(ii) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function that the council has under Subsection (1)(a);

(iii) subject to Subsections (3) and (4), appoint a manager to perform executive and administrative duties or functions that the council by ordinance delegates to the manager, subject to Subsection (1)(c);

(iv) dismiss a manager appointed under Subsection (1)(b)(iii); and

(v) assign any or all council members, including the mayor, to supervise one or more administrative departments of the municipality; and

(c) may not remove from the mayor or delegate to a manager appointed by the council:

(i) any of the mayor's legislative or judicial powers or ceremonial functions;

(ii) the mayor's position as chair of the council; or

(iii) any ex officio position that the mayor holds.

(2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of:

(a) the mayor and a majority of all other council members; or

(b) all council members except the mayor.

(3) (a) As used in this Subsection (3), "interim vacancy period" means the period of time that:

(i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and

(ii) ends on the day on which the council member-elect begins the council member's term.

(b) (i) The council may not appoint a manager during an interim vacancy period.

(ii) Notwithstanding Subsection (3)(b)(i):

(A) the council may appoint an interim manager during an interim vacancy

period; and

(B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.

(c) Subsection (3)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.

(4) A council that appoints a manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager.

Amended by Chapter 209, 2011 General Session

**10-3b-501. Authority to change to another form of municipal government.**

As provided in this part, a municipality may change from the form of government under which it operates to:

- (1) the council-mayor form of government with a five-member council;
- (2) the council-mayor form of government with a seven-member council;
- (3) the six-member council form of government; or
- (4) the five-member council form of government.

Enacted by Chapter 19, 2008 General Session

**10-3b-502. Voter approval required for a change in the form of government.**

A municipality may not change its form of government under this part unless voters of the municipality approve the change at an election held for that purpose.

Enacted by Chapter 19, 2008 General Session

**10-3b-503. Resolution or petition proposing a change in the form of government.**

(1) The process to change the form of government under which a municipality operates is initiated by:

- (a) the council's adoption of a resolution proposing a change; or
- (b) the filing of a petition, as provided in Title 20A, Chapter 7, Part 5, Local Initiatives - Procedures, proposing a change.

(2) Within 45 days after the adoption of a resolution under Subsection (1)(a) or the declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A-7-507, the council shall hold at least two public hearings on the proposed change.

(3) (a) Except as provided in Subsection (3)(b), the council shall hold an election on the proposed change in the form of government at the next municipal general election or regular general election that is more than 75 days after, as the case may be:

- (i) a resolution under Subsection (1)(a) is adopted; or
- (ii) a petition filed under Subsection (1)(b) is declared sufficient under Section 20A-7-507.

20A-7-507.

(b) Notwithstanding Subsection (3)(a), an election on a proposed change in the

form of government may not be held if:

(i) in the case of a proposed change initiated by the council's adoption of a resolution under Subsection (1)(a), the council rescinds the resolution within 60 days after adopting it; or

(ii) in the case of a proposed change initiated by a petition under Subsection (1)(b), enough signatures are withdrawn from the petition within 60 days after the petition is declared sufficient under Section 20A-7-507 that the petition is no longer sufficient.

(4) Each resolution adopted under Subsection (1)(a) or petition filed under Subsection (1)(b) shall:

(a) state the method of election and initial terms of council members; and

(b) specify the boundaries of districts substantially equal in population, if some or all council members are to be elected by district.

(5) A resolution under Subsection (1)(a) or petition under Subsection (1)(b) proposing a change to a council-mayor form of government may require that, if the change is adopted, the mayor appoint, with the council's advice and consent and subject to Section 10-3b-202, a chief administrative officer, to exercise the administrative powers and perform the duties that the mayor prescribes.

Amended by Chapter 209, 2011 General Session

**10-3b-504. Limitations on adoption of a resolution and filing of a petition.**

A resolution may not be adopted under Subsection 10-3b-503(1)(a) and a petition may not be filed under Subsection 10-3b-503(1)(b) within:

(1) two years after an election at which voters reject a proposal to change the municipality's form of government, if the resolution or petition proposes changing to the same form of government that voters rejected at the election; or

(2) four years after the effective date of a change in the form of municipal government.

Enacted by Chapter 19, 2008 General Session

**10-3b-505. Ballot form.**

The ballot at an election on a proposal to change the municipality's form of government shall:

(1) state the ballot question substantially as follows: "Shall (state the municipality's name), Utah change its form of government to the (state "council-mayor form, with a five-member council," "council-mayor form, with a seven-member council," "six-member council form," or "five-member council form," as applicable)?"; and

(2) provide a space or method for the voter to vote "yes" or "no."

Enacted by Chapter 19, 2008 General Session

**10-3b-506. Election of officers after a change in the form of government.**

(1) If voters approve a proposal to change the municipality's form of government at an election held as provided in this part, an election of officers under the new form of

government shall be held on the municipal general election date following the election at which voters approve the proposal.

(2) If a municipality changes its form of government under this part resulting in the elimination of an elected official's position, the municipality shall continue to pay that official at the same rate until the date on which the official's term would have expired, unless under the new form of government the official holds municipal office for which the official is regularly compensated.

(3) A council member whose term has not expired at the time the municipality changes its form of government under this part may, at the council member's option, continue to serve as a council member under the new form of government for the remainder of the member's term.

(4) The term of the mayor and each council member is four years or until a successor is qualified, except that approximately half of the initial council members, chosen by lot, shall serve a term of two years or until a successor is qualified.

Enacted by Chapter 19, 2008 General Session

**10-3b-507. Effective date of change in the form of government.**

A change in the form of government under this chapter takes effect at noon on the first Monday of January next following the election of officers under Section 10-3b-506.

Enacted by Chapter 19, 2008 General Session